

identical, they are not patentably distinct from each other because claims 1-5 of the instant application are allegedly broad enough to read on claims 1-7 of the '192 Patent. For the following reasons, this rejection is respectfully traversed.

As the path of least resistance, Applicant submits herewith a suitable Terminal Disclaimer. The filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting and raises neither presumption nor estoppel on the merits of the rejection. In short, obviation of the double patenting rejection by submission of a terminal disclaimer should not be construed as an admission or acquiescence or estoppel on the merits. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392, 1394, 1395 (Fed. Cir. 1991).

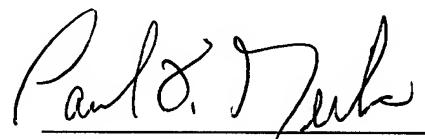
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111
Application No.: 10/760,391

Attorney Docket No.: Q79331

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Paul F. Neils
Registration No. 33,102

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 24, 2007

Attorney Docket No.: Q79331